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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,129	03/29/2001	Laurent Duquesnois	FR000033	5635

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BENGZON, GREG C

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,129

Applicant(s)

DUQUESNOIS, LAURENT

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1-8, 10-19 are pending. Claim 9 has been cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/2006 has been entered.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on April 4, 2000.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The effective date for the subject matter defined in the pending claims in this application is April 4, 2000.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8,17,18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8,17-18 pertain to '*a signal receivable by a receiver terminal*'. The Examiner notes that said carrier wave or data signals embodied in a carrier wave are non-statutory subject matter. The Examiner notes that absent some physical context, a signal per se is an abstract idea in much the same way that a mathematical algorithm without context is an abstract idea.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 5, 10,11, 14 , 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Signes (US Patent 6911982), further in view of Yogeshwar et al. (US Patent 6219043).

Signes disclosed (re. Claim 1) a multi-media scene description coder (Signes – figure 1, Column 4 Lines 45-50) for producing a data stream which contains a plurality of access points (Signes – Column 8 Lines 40-55), each of the plural access points being formed by data coded at a respective given instant and relating to a description of a respective scene (Signes – Column 5 Lines 5-30); and

a receiver terminal arranged to be connectable at any moment to said transmitter terminal for receiving said data stream (Signes – Column 4 Lines 15-20); and

a storage memory (Signes – figure 1, Column 4 Lines 45-50, Figure 5, Column 7 Lines 40-45);

wherein said transmitter terminal is configured for storing, in said storage memory, (Signes – figure 1, Column 4 Lines 45-50) said data coded at an instant of the given instants and for using the stored data, at multiple instants later than said instant of the given instants, to form multiple respective ones of said plural access points, (Signes – Column 8 Lines 40-55) said plural access points defining the points in said stream via any one or more of which a receiver of said stream receives scene description to which updates arriving in said stream are applicable (Signes – Column 5 Lines 5-30).

The Examiner notes that Signes Figure 6 disclosed inserting scene replacement commands at multiple instants later than said instant of the given instants, said scene replacement commands occurring at a time offset from the start of the broadcast. However, while Signes substantially disclosed the invention as described, Signes did

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not disclose (re. Claim 1) wherein said plurality of instants are stored at a first known rate beginning at a known offset value from the given instant.

Yogeshwar disclosed (re. Claim 1) wherein said plurality of instants are stored (Yogeshwar-Column 2 Lines 60, 'video stored on a digital storage medium', Figure 1a, Figure 6) at a first known rate (Yogeshwar-Column 24 Lines 5-15) beginning at a known offset value from the given instant. (Yogeshwar-Column 19 Lines 60 thru Column 20 Line 5, Column 21 Lines 10-25, Figure 33c)

Yogeshwar disclosed storing 'edit segments' [plurality of instants] using 'a minimum bit rate' for encoding a video segment and creating 'a directory of picture offsets' based on the 'boundaries of a Group of Pictures (GOP)' from which the edit segments are taken from.

Signes and Yogeshwar are analogous art because they present concepts and practices regarding multimedia editing. At the time of the invention it would have been obvious to combine Yogeshwar into Signes. The motivation for the said combination would have been, as Yogeshwar suggests (Yogeshwar- Column 2 Lines 10-15), to allow a section of previously encoded data to be replaced with another section of encoded data while introducing minimal or no visible decoding artifacts.

Claims 2, 5, 10,11, 14 are rejected on the same basis as Claim 1.

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Signes-Yogeshwar disclosed (re. Claims 2, 5, 10, 11, 14) a multi-media scene description coder (Signes – figure 1, Column 4 Lines 45-50) for producing a data stream which contains a plurality of access points (Signes – Column 8 Lines 40-55), each of the plural access points being formed by data coded at a respective given instant and relating to a description of a respective scene (Signes – Column 5 Lines 5-30);

a receiver terminal arranged to be connectable at any moment to said transmitter terminal for receiving said data stream (Signes – Column 4 Lines 15-20); and

a storage memory (Signes – figure 1, Column 4 Lines 45-50, Figure 5, Column 7 Lines 40-45);

wherein said transmitter terminal is configured for storing, in said storage memory, (Signes – figure 1, Column 4 Lines 45-50) said data coded at an instant of the given instants and for using the stored data, at multiple instants later than said instant of the given instants, to form multiple respective ones of said plural access points, (Signes – Column 8 Lines 40-55) said plural access points defining the points in said stream via any one or more of which a receiver of said stream receives scene description to which updates arriving in said stream are applicable (Signes – Column 5 Lines 5-30).

Signes-Yogeshwar disclosed (re. Claim 19) an object source having a catalog (Signes – Column 7 Lines 30-35), a camera and a recorder (Signes – Column 3 Lines 15-20), said transmitter further including (Signes – figure 1, Column 4 Lines 45-50)

an object encoder (Signes – figure 1, Column 4 Lines 45-50);

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first and second formatting devices (Signes – figure 5 Column 7 Lines 40-50);
and a

multiplexer (Signes – Column 5 Lines 15-20);

wherein the first formatting device is connected to receive output of the object
encoder and to output to said multiplexer, and

wherein said description coder includes said memory, a coding block for inputting
into said memory, and a switch block for selectively routing output, from the coding
block and the memory, to the second formatting device for output to the multiplexer.

(Signes – figure 5 Column 7 Lines 40-50)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4, 6-8, 12-13, 15-18, are rejected under 35 U.S.C. 103(a) as being
unpatentable over Signes (US Patent 6911982), in view of Yogeshwar et al. (US
Patent 6219043), further in view of the ISO/IEC MPEG-4 Standards Document

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(designated as ISO/IEC 14496) authored by the Motion Picture Experts Group, hereinafter referred to as MPEG-4 Standards.

While Signes-Yogeshwar disclosed using scene descriptions and scene replacement commands in order to modify video scenes, Signes-Yogeshwar did not disclose (re. Claims 3-4, 6-8, 12-13, 15-18) concepts and practices regarding synchronizing the inputs to the bit stream in accordance to a synchronization clock where the complete scene description is assigned a reference point time $t=0$, and the other objects in the scene are introduced successively at other instances relative to $t=0$. Signes-Yogeshwar did not disclose the description of a complete scene changes in timing with a replacement clock. Signes-Yogeshwar did not disclose modifications being introduced to the scene description in timing with a modification clock which presents a non-zero phase shift relative to the replacement clock.

The MPEG-4 Standards describe how to associate a set of streams with one another in order to describe a multimedia presentation composed of a large set of such streams. The presentation of these streams in a coordinated manner is basically governed by the scene description. Therefore, a clearly defined notion of time must be established between the scene description and all the media streams. Then, a mechanism is needed to convey such timing information. The MPEG-4 Standards describe access points as discrete portions of data containing scene descriptions related to a specific point in time. Access units are the data elements to which time stamps can be attached and are found in various instances in the data stream. (Section

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MPEG-4-1, Clause 10 Synchronization Layer). The Examiner notes that the use of Object Carousels and BIFS Carousel algorithms in broadcasting MPEG data streams is well known in the art.

Thus, the MPEG-4 standards disclosed synchronizing the inputs to the bit stream in accordance to a synchronization clock where the complete scene description is assigned a reference point time $t=0$, and the other objects in the scene are introduced successively at other instances relative to $t=0$. MPEG-4 disclosed the description of a complete scene changes in timing with a replacement clock. MPEG-4 disclosed modifications being introduced to the scene description in timing with a modification clock which presents a non-zero phase shift relative to the replacement clock.

Signes, Yogeshwar and the MPEG-4 Standards are analogous art because they present concepts and practices regarding data streams containing scene descriptions for multimedia information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the concepts and practices of applying scene updates relative to a replacement clock as described by the MPEG-4 Standards into the teachings of Signes-Yogeshwar. The motivation for said combination would have been to facilitate identification of the start of the scene reproduction process within a large data stream, and synchronize a data stream for a scene with another data stream for a different scene or another data stream of different type of media, or another data stream with a different bit stream rate, for editing or presentation purposes.

Response to Arguments

Applicant's arguments filed 05/12/2006 have been fully considered but they are moot in view of the new grounds for rejection.

The Applicant presents the following argument(s) [*in italics*]:

'Signes is silent with regard to the establishing a timing relationship of the scenes and the access points'

The Examiner notes that Signes Figure 6 disclosed inserting scene replacement commands at multiple instants later than said instant of the given instants, said scene replacement commands occurring at a time offset from the start of the broadcast. Signes does not disclose a specific time for insertion of a scene replacement command and instead indicates that insertion may occur at any instance (Signes Column 8 Lines 50-55). However, given the sequential nature of a video stream and video content it would have been inherently necessary in a video editing system to indicate the timing and timing offset of said replacement command in order to accomplish the desired modifications without adversely affecting the scene (e.g. switching to a commercial while the character in the movie is speaking a sentence).

Nevertheless, the Examiner presents Yogeshwar as disclosing 'wherein said plurality of instants are stored at a first known rate beginning at a known offset value

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from the given instant. ' as described in the rejection show above. Yogeshwar figure 13 disclosed storing video segment using a known bit rate. Yogeshwar Figure 33c discloses a timing relationship and timing offset for the edit segments and the original video content.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

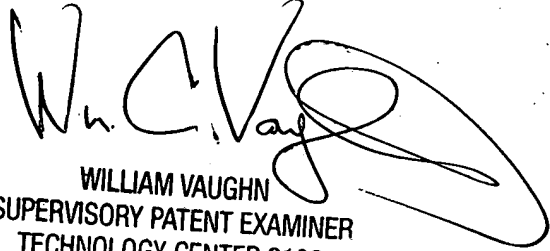
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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